

SENATE BILL 2651

By Yager

AN ACT to amend Tennessee Code Annotated, Section 38-3-120 and Section 39-11-611, relative to nuclear security officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-611, is amended by adding the following language as a new, appropriately designated subsection:

(f) Notwithstanding § 38-3-120(i), a nuclear security officer is authorized to employ deadly force, including but not limited to the use of firearms, under the following circumstances:

(1) Deadly force appears reasonably necessary to prevent or impede an act, or attempted act, of radiological sabotage at a Category 1 Nuclear Facility, including deadly force directed against a person, or persons, who is attempting to, or who already has, unlawfully or forcefully entered a Category 1 Nuclear Facility, and may respond with appropriate force, including the use of deadly force, to various adversary tactics such as, but not limited to, the following:

- (A) Use of small arms;
- (B) Use of explosive devices (to include potential for suicide bombers);
- (C) Use of incendiary devices;
- (D) Use of vehicle borne improvised explosive devices;
- (E) Use of water borne improvised explosive devices;
- (F) Breaching of barriers (e.g., explosively, mechanically, cutting, climbing); and

(G) Other adversary or terrorist tactics which could be employed to attempt an act of radiological sabotage;

(2) Deadly force appears reasonably necessary to protect the nuclear security officer or another person where the nuclear security officer reasonably believes there is an imminent danger of death or serious bodily injury;

(3) Deadly force appears reasonably necessary to prevent the imminent infliction or threatened infliction of death or serious bodily harm or the sabotage of an occupied facility by explosives;

(4) Deadly force appears reasonably necessary to prevent the theft, sabotage, or unauthorized control of strategic special nuclear material from a Category I Nuclear Facility; or

(5) Deadly force appears reasonably necessary to apprehend or prevent the escape of a person reasonably believed to:

(A) Have committed an offense of the nature specified in subdivision (f)(1), (f)(2), (f)(3), or (f)(4); or

(B) Be escaping by use of a weapon or explosive, or who otherwise poses an imminent danger of death or serious bodily harm to a nuclear security officer or others unless apprehended without delay.

SECTION 2. Tennessee Code Annotated, Section 39-11-611(a), is amended by adding the following language as new, appropriately designated subdivisions:

() “Category I Nuclear Facility” means a facility that possesses a formula quantity of strategic special nuclear material, as defined and licensed by the United States Nuclear Regulatory Commission pursuant to 10 CFR Part 73;

() “Nuclear Security Officer” means an individual:

(A) Who is an employee of, or an employee of a contractor of, the owner of a Category 1 Nuclear Facility;

(B) Who has been specifically appointed or designated by said owner to provide security at said Category 1 Nuclear Facility; and

(C) Regarding whom said owner has notified the commissioner of safety in writing of said individual's appointment or designation;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.